

IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,

Supreme Court No. 317527
(Leave blank.)

Plaintiff-Appellee,

Court of Appeals No. 317527
(From Court of Appeals decision.)

v

DANIEL HORACEK
(Print the name you were convicted under on this line.)

Trial Court No. 12-241894-FH
(See Court of Appeals brief or Presentence Investigation Report.)

Defendant-Appellant.

INSTRUCTIONS: Answer each question. Add more pages if you need more space. NOTE: If you are appealing a Court of Appeals decision involving an administrative agency or a civil action, you will have to replace this page with one containing the relevant information for that case.

PRO PER APPLICATION FOR LEAVE TO APPEAL

1. I was found guilty on (Date of Plea or Verdict) _____

2. I was convicted of (Name of offense) UNARMED ROBBERY

3. I had a ☐ guilty plea; ☒ no contest plea; ☐ jury trial; ☐ trial by judge. (Mark one that applies.)

4. I was sentenced by Judge SHALINA KUMAR on _____
(Print or type name of judge) (Print or type date you were sentenced)

in the OAKLAND County Circuit Court to 2 years 9 months
(Name of county where you were sentenced) (Put minimum sentence here)

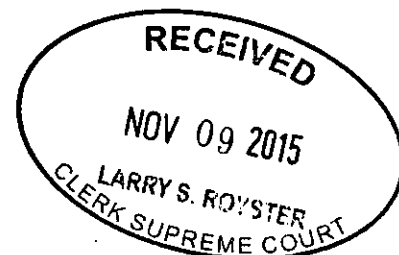
to 40 years 0 months, and to _____ years _____ months to _____ years _____ months.
(Print or type maximum sentence) (Minimum sentence) (Maximum sentence)

I am in prison at the EGGLESER CORRECTIONAL FACILITY in JACKSON, Michigan.
(Print or type name of prison) (Print or type city where prison is located.)

5. The Court of Appeals affirmed my conviction on SEPTEMBER 15, 2015
(Print or type date stamped on Court of Appeals decision)

in case number 317527. A copy of that decision is attached.
(Print or type number on Court of Appeals decision)

6. ☒ This application is filed within 56 days of the Court of Appeals decision. (It MUST be received by the Court within 56 days of date on Court of Appeals decision in criminal cases and 42 days in civil cases. Delayed applications are NOT permitted, effective September 1, 2003.)



PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

DANIEL HORACEK, Defendant-Appellant

CA No. 317527

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 on page 7.

GROUND - ISSUES RAISED IN COURT OF APPEALS

7. I want the Court to consider the issues as raised in my Court of Appeals brief and the additional information below.

ISSUE I:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Please see COA Brief(s)

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☒ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

Please see COA & Sup Ct Brief(s)

PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

DANIEL HORACEK, Defendant-Appellant

CA No. 317527

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8, on page 7.

ISSUE II:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Please see COA Brief (5)

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☒ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

Please see COA & Sup Ct Brief (5)

PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

DANIEL HORACEK

Defendant-Appellant

CA No. 317527

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 on page 7.

ISSUE III:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Please see COA Brief (2)

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☒ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

Please see COA & Sup Ct Brief (3)

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

_____, Defendant-Appellant

Court of Appeals No. _____

INSTRUCTIONS: If you want the Supreme Court to look at errors which were never raised in the Court of Appeals by your attorney or you, check YES in 8 below. Answer parts A, B, and C for each new issue you raise. There is space provided for 2 new issues. You can add more pages. If you do not have new issues go directly to question 9 on page 8.

GROUND S — NEW ISSUES

8. ___ **YES**, I want the Court to consider the additional grounds for relief contained in the following issues, which were not raised in my Court of Appeals brief.

NEW ISSUE 1:

- A. (State the new issue you want the Court to consider.) _____

- B. The Court should review this issue because:
(Check all the ones you think apply to your case, but you must check at least one.)

- ___ 1. The issue raises a serious question about the legality of a law passed by the legislature.
___ 2. The issue raises a legal principle which is very important to Michigan law.
___ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
___ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

- C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Supreme Court No. _____
(Leave blank.)

v

Court of Appeals No. 317527
(Get this from the Court of Appeals decision or brief.)

DANIEL HORACEK
(Print the name you were convicted under on this line.)

Trial Court No. 12-241894-FH
(Get this number from Court of Appeals brief or
Presentence Investigation Report.)

Defendant-Appellant.

AFFIDAVIT OF INDIGENCY

1. My name is DANIEL HORACEK
2. I am in prison at EGGERS CORR FACILITY in JACKSON, Michigan.
(Name of prison) (City)
3. My prison number is 218347
4. Income and Assets: (Check the ones which apply to you.)

- ☐ My only source of income is from my prison job.
- ☒ I have no income.
- ☒ I have no assets (stocks, bonds, property) which can be quickly changed into cash.
- ☒ I can not pay the filing fee for the attached application.

I ask this Court to waive the filing fee in this matter.

I declare that the statements above are true to the best of my knowledge, information and belief.

Date: 11/5/15

(Sign here)

DANIEL HORACEK
(Print name)

PROOF OF SERVICE

On NOVEMBER 5, 2015, I mailed by U.S. mail one copy of the documents checked below: (Put a check mark by the ones you mailed.)

- ☒ Affidavit of Indigency and Proof of Service
- ☒ (Delayed) Pro Per Application for Leave to Appeal with a copy of Court of Appeals Decision
- ☐ Court of Appeals Brief
- ☐ Supplemental Court of Appeals Brief

TO: OAKLAND County Prosecutor, at
(Fill in the county where you were convicted.)

1200 N. TELEGRAPH RD PONTIAC MI 48341
(Address) (City) (Zip Code)

I declare that the statements above are true to the best of my knowledge, information and belief.

Date: 11/5/15

(Sign here)

DANIEL HORACEK
(Print name)

RECEIVED

NOV 09 2015

LARRY S. ROYSTER
CLERK SUPREME COURT